

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

HINSON PLUMBING COMPANY

PLAINTIFF

V.

CIVIL ACTION NO. 5:07-cv-00146-DCB-JMR

LAKESIDE PLACE LLC; HINTON
CONSTRUCTION CO., INC.; AND
JOHN DOES 1-5

DEFENDANTS

**ORDER CONFIRMING ARBITRATION AWARD
AND FOR ENTRY OF JUDGMENT**

The Motion of Defendant Hinton Construction Company, Inc., pursuant to 9 USC § 9 [Dckt # 25] for this Court to enter an order confirming the award of the Arbitrator in the subject cause entered on May 20, 2009, in the dispute between Plaintiff Hinson Plumbing Company (“Hinson Plumbing”) and Movant and to enter judgment in favor of Movant in accordance with the award of the Arbitrator (“Motion to Confirm Arbitration Award”) having come on for hearing before the Court and the Court finding that:

1. On or about January 19, 2006, Movant, as general contractor, and Hinson Plumbing, as subcontractor, entered into a subcontract (the “subcontract”) concerning construction of Lakeside Place Student Housing project (the “Project”) in Starkville, Mississippi. A true and complete copy of the subcontract, including the arbitration provision but not including attachments, is attached to the Motion to the Motion to Confirm Arbitration Award as Exhibit “A.”

2. On or about July 23, 2007, Hinson Plumbing filed the instant action against Movant and others in this Court where it was docketed as Civil Action No. 5:07-cv-00146-DCB-JMR.

3. On or about October 7, 2007, Movant filed its Motion to Compel Arbitration and Petition for Entry of An Order Directing Arbitration and Stay of Proceedings [Dckt # 9]. On or about December 21, 2007, this Court entered an Agreed Order [Dckt # 20] granting the Motion to Compel Arbitration Award, and stayed further proceedings in this action pending further order of this Court.

4. Subsequent to entry of the Agreed Order compelling arbitration, Movant and Hinson Plumbing have filed various status reports with the Court concerning the progress of the arbitration proceeding.

5. By agreement of the parties to the arbitration, the disputes between the parties over the construction of the Project were filed with the American Arbitration Association (“AAA”) which assigned its case number 69 110 00977 08 to the arbitration proceeding. The disputes were arbitrated on or about April 14 and 15, 2009, under the provisions of the Construction Industry Arbitration Rules And Mediation Procedures of the AAA before an agreed neutral (the “Arbitrator”) selected by the AAA. On May 20, 2009, the Arbitrator issued his written ruling in AAA Case No. 69 110 00977 08, a true and complete copy of which is attached to the Motion to Confirm Arbitration Award as Exhibit “B.”

The Court further finds that the Motion to Confirm the Arbitration Award in this case is well taken and that the relief requested in the said motion should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that the award of the Arbitrator in American Arbitration Association Case No. 69 110 00977 08 dated May 20, 2009, is hereby confirmed and that judgment in favor of Hinton Construction Company, Inc., against Hinson Plumbing Company in accordance with the terms of the award of the arbitrator should be entered

on the docket of the court, with interest from and after June 20, 2009.

SO ORDERED, ADJUDGED AND DECREED, this the 12th day of August, 2009.

s/ David Bramlette
U.S. DISTRICT JUDGE

Order presented by:

/s/ Richard C Bradley III
Richard C. Bradley III, MBN 4269